

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO.: 2009-355-T

IN RE:

YELLOW CAB OF GREENVILLE, INC.'s)	
Petition for Rule to Show Cause as to Why)	MOTION TO DISMISS
AMERICAN VIP CAB, LLC, should not have)	FOR FAILURE TO STATE
its Certificate of Public Convenience and)	A CAUSE OF ACTION
Necessity revoked.)	
)	MOTION FOR DIRECTIVE
)	THAT PETITIONER FILE
)	AN AMENDED PETITION
)	
)	MOTION FOR
)	CONTINUANCE

COMES NOW, the Respondent, AMERICAN VIP CAB, LLC, by and through its undersigned attorney, Stephen Fulton Shaw, Esq., and hereby requests a CONTINUANCE of the hearing scheduled for January 13, 2010 for the above-referenced matter as follows:

PETITIONER STATED NO VIOLATION OF
SOUTH CAROLINA LAW OR REGULATIONS

1. It appears that a HEARING on the above-referenced matter is scheduled before the Commission on January 13, 2010 in the Hearing Room, Public Service Commission Building, Columbia, S.C.

2. That, in its timely filed response to Petitioner's Petition, Respondent raised the defense that
Petitioner had failed to state any cognizable violation of South Carolina Law or
Regulations.
3. That, in its Petition, Petitioner merely handwrote a short list of several South Carolina Code of
Regulation Chapters, Sections and Sub-Sections but failed to indicate any allegations
regarding the Respondent being in violation of those provisions.
4. Following, Respondent is unaware of what the Petitioner is alleging Respondent is in violation
of and is unable to formulate a specific defense thereto.
5. If Respondent does not have specific allegations of which to defend and respond, Respondent is
under the extremely burdensome task of "reading the Petitioner's mind" and formulating a
defense to every conceivable violation of the relevant South Carolina Law and Code of
Regulations that can possibly exist.
6. Therefore, Respondent is in the unfair, and legally impermissible under the Rules, position of
being forced to guess the nature and extent of the Petitioner's allegations.

FOR THE FOREGOING REASONS, Respondent requests that the Commission:

1. DISMISS Petitioner's Petition for failure to state a cause of action therein; or, in the alternative,
2. DIRECT the Petitioner file an Amended Petition for Rule to Show Cause as to why the
American VIP Cab, LLC should not have its Certificate of PC&N Revoked. Such amended
Petition to set forth actual, discreet, and cognizable allegations against Respondent; or, in
the alternative,

3. CONTINUE the HEARING scheduled for January 13, 2010 so that the Respondent may further investigate the nature of Petitioner's claim and formulate a complete response and defense thereto.

The Movant hereto, American VIP Cab, LLC, requests that the South Carolina Public Service Commission act upon this motion based upon the pleadings filed without requiring a hearing in-person by the parties or their counsel.

s/ STEPHEN FULTON SHAW
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December 23, 2009
Mauldin, SC